

1 THOMAS J. BOIS, II (Bar No. 110250)  
2 JAMES C. MACDONALD (Bar No. 175760)  
3 BOIS & MACDONALD  
4 2030 Main Street, Suite 660  
5 Irvine, CA 92614  
6 Telephone: (949) 660-0011  
7 Facsimile: (949) 660-0022

8 Attorneys for Plaintiff  
9 JIM 72 PROPERTIES, LLC

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 JIM 72 PROPERTIES, LLC a California  
13 limited liability corporation,

14 Plaintiff,

15 vs.  
16

17 MONTGOMERY CLEANERS, an entity  
18 of unknown form, dba MONTGOMERY  
19 CLEANERS & PRESSERS and  
20 MONTGOMERY C H; ROBERT B.  
21 JASSO, an Individual; VIOLA JASSO,  
22 an Individual; JOHN W. RICH, an  
23 Individual; DORIS L. RICH, an  
24 Individual; FELIPE P. RENDON, an  
25 Individual; RENDON PROPERTIES,  
26 LLC a California limited liability  
27 corporation and DOES 1-100, inclusive,

28 Responsible Party Violators.

CASE NO.

NOTICE OF INTENT TO SUE  
42 U.S.C. § 6972(a)(1)(B) and (b)(2)(A)

40 C.F.R. §254  
42 U.S.C. §9601, *et seq.*

PLEASE TAKE NOTICE that JIM 72 PROPERTIES, LLC , hereby claims pursuant to this Notice of Intent to Sue the following:

**I.**

**ALLEGED VIOLATORS PROVIDED WITH NOTICE**

JIM 72 PROPERTIES, LLC (“Complainant”) is informed and believes and on that basis asserts that the soils and ground water underlying the property located at 1365 North Avalon Boulevard, Wilmington, California 90744 (“Polluting Site”) have been impacted by hazardous substances and hazardous wastes (“Pollution”). After this Pollution was released, the Pollution migrated through the groundwater and/or soil onto the property located at 1355 North Avalon Boulevard, Wilmington, California 90744 (“Subject Site”). Plaintiff has entered into escrow to purchase the Subject Site. During the escrow process Plaintiff commissioned environmental studies that revealed the presence of Pollution on the Subject Site. The current property owner for the Subject Site has assigned all rights to bring claims against Owner/Operators for the Pollution that has migrated from the Polluting Site onto Subject Site.

Complainant is informed and believes that the Pollution Site experienced sudden and accidental releases of Pollution as a result of activities conducted by the following persons (“Owner/Operators” or “Respondents”):

TABLE OF RCRA RESPONSIBLE PARTIES	
Operator Name	Ownership Period
Montgomery Cleaners, dba Montgomery Cleaners & Pressers and Montgomery C H, Robert B. Jasso and Viola Jasso	1950 to 2008
Owner Name	Ownership Period
Montgomery Cleaners, Lillian A. Clark and Doris L. Rich	1950 to 1978
John W. Rich	1978 to 1983

## TABLE OF RCRA RESPONSIBLE PARTIES

Felipe P. Rendon and Asuncion A. Rendon	1983 to 2000
Rendon Properties, LLC	2000 to present

During the period 1950 to present, Responsible Party Violators owned the real property, owned the real property and operated the business, or merely operated dry cleaning operations (collectively "Owners/Operators") on the real property at the Pollution Site, which used various chlorinated solvent type chemicals ("Dry Cleaning Operations"), see *infra*. Each of these Responsible Party Violators are liable for their company's, predecessors' and/or subsidiaries' liabilities by means of one or all of the following legal mechanisms: (1) by name change; (2) by statutory merger; (3) by *de facto* merger; (4) by express and/or implied assumption of liability; (5) by alter ego liability; (6) by controlling the day to day decision making processes of a subsidiary or sister entity; and/or, (7) by fraudulently entering transactions to specifically avoid a subsidiary or sister entities' liabilities. Complainant is informed and believes that Owner/Operators, while in the process of conducting these Dry Cleaning Operations, experienced sudden and accidental releases of hazardous wastes and hazardous substances. Complainant is informed and believes Owner/Operators' sudden and accidental releases of hazardous wastes and hazardous substances impacted both the soil and groundwater under the Pollution Site so as to cause Pollution and violate various state and federal laws and regulations.

In approximately 2013, Complainant retained an environmental consultant and conducted a Phase II Environmental Site Assessment on the Subject Site. Soil samples collected and tested as a result of this preliminary investigation revealed detectable concentrations of the chemical Tetrachloroethene ("PCE") and Trichloroethene ("TCE"), cis-1,2-dichloroethene ("cis-1,2-DCE"), and/or other related compounds (collectively "Pollutants" or "Pollution"). By reason of the current Subject Site's owner's assignment of his and her legal rights and duties to Complainant of their legal

1 rights and duties as current owner, Complainant is prescribed the responsibility of  
2 prosecuting the abatement of nuisances on the Subject Site and the Polluting Site.

3 The Polluting Site and the Subject Site, including, but not limited to, soil and  
4 groundwater adjacent to it, is now known to contain hazardous wastes and hazardous  
5 substances. These hazardous wastes and substances on the Polluting Site constitute an  
6 imminent and substantial endangerment to both human health and the environment and  
7 constitute a nuisance. With the exception of Claude H. Montgomery, Lillian A. Clark  
8 and Asuncion A. Rendon, whom on information and belief Complainant understands to  
9 be deceased, notice is now provided to the following persons and entities and/or their  
10 registered agents and representatives of record:

- 11 1. Montgomery Cleaners, dba Montgomery Cleaners & Pressers and  
12 Montgomery C H;
- 13 2. Robert B. Jasso;
- 14 3. Viola Jasso;
- 15 4. Doris L. Rich;
- 16 5. Felipe P. Rendon; and,
- 17 6. Rendon Properties, LLC;

18 Pursuant to the notification requirements set forth in §7002 of the Solid Waste  
19 Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976  
20 ("RCRA", 42 U.S.C. §6972(b)(2)(A)), Complainant hereby notifies all parties named  
21 above of its intention to file a lawsuit, in court(s) of competent jurisdiction, against  
22 each of the past Owner/Operators who have contributed to the handling, storage,  
23 treatment, transportation and/or disposal of liquid, solid, and/or hazardous wastes  
24 which may and/or do present an imminent and substantial endangerment to health  
25 and/or the environment in violation of the standards of RCRA, 42 U.S.C.  
26 §6972(a)(1)(B).

27 ///

## 28 II.

1           **SPECIFIC PERMIT, STANDARD, REGULATION, CONDITION,**  
2           **REQUIREMENT OR ORDER ALLEGEDLY VIOLATED**

3           Complainant is informed and believes and on that basis alleges that, since  
4 approximately 1950, the alleged Owner/Operator violators, and each of them, stored or  
5 allowed to be stored liquid, solid and hazardous substances and hazardous wastes,  
6 including, but not limited to: PCE, TCE, cis-1,2-DCE and/or other related compounds.

7           The Pollution which is regulated under RCRA, was stored in places including but not  
8 limited to: foundation slabs; sumps; surface impoundments; surface gutters; surface  
9 troughs; holding basins, metal drums, metal cans, buckets; underground pipe lines;  
10 dispensing systems; dry cleaning units; spray booths; sumps; surface impoundments;  
11 surface gutters; surface troughs; clarifiers; slab drains; sewer laterals; holding basins  
12 and other facility receptacles at the Polluting Site.

13           Plaintiffs further allege the Defendants owned and/or operated a storage and/or  
14 disposal facility (as defined by RCRA) in that they stored or facilitated storage and/or  
15 disposed or facilitated disposal of liquid, solid and hazardous substances and hazardous  
16 wastes and Pollution. The Pollution which is regulated under RCRA was stored in  
17 places as described above.

18           In doing so, the Owner/Operators violated various permits, standards,  
19 regulations, conditions, requirements, prohibitions and/or orders pertaining to the  
20 storage and/or disposal of liquid, solid and hazardous wastes, including, with  
21 limitation, regulations pertaining to "solid" waste disposal. In turn, the activities of  
22 these Owner/Operators have violated at least one or more of the following provisions  
23 of: RCRA, 42 U.S.C. §§6921, 6924, 6930, 6934, 6939a, 6944; and, 40 C.F.R. §§  
24 264.90-261.101, 264.111-265.111, 264.118-265.118, 264.142-265.142, 264.180-  
25 264.280, 264.228-265.280, 265.90-265.94, 270.1(c), 265.112(a)(b) and (d); and all  
26 other related statutes and regulations.

27       ///

28       ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**III.**

**ACTIVITIES ALLEGED TO CONSTITUTE VIOLATIONS OF RCRA**

Complainant is informed and believes and on that basis alleges that during approximately 1950 to present, the alleged Owner/Operator violators stored at one time or another liquid, solid and hazardous wastes, including, but not limited to PCE, TCE, cis-1,2-DCE, and other hazardous substances, hazardous wastes and/or pollutants, all regulated under RCRA, in places, including but not limited to foundation slabs, clarifiers, sumps, surface impoundments, subsurface drains, subsurface piping, subsurface soils, surface gutters, surface troughs, holding basins, metal drums, metal can, buckets, and other facility receptacles at the Pollution Site. Complainant is informed and believes that, on occasion, the waste storage receptacles, devices, and other improvements suddenly and accidentally leaked so as to discharge and dispose of the liquid, solid and hazardous wastes and other Pollutants stored in them into the soil and groundwater beneath the Polluting Site, and have migrated to the Subject Site and surrounding areas. Since the date the waste storage receptacles, devices and other improvements began to suddenly and accidentally leak, discharge and dispose of liquid, solid and hazardous wastes and other pollutants stored in them, said wastes have been disposed, discharged, released, spilled, leaked, leached, off gassed and/or migrated into the air, soil and groundwater at, above, beneath and adjacent to the Pollution Site. Thereafter, continuing to the present, said liquid and hazardous wastes have leached, migrated and caused damage, including the pollution of the soil vapor, soil and groundwater at and beneath the Polluting Site, and presents a public health and safety hazard and nuisance.

Complainant is informed and believes and on that basis alleges that the Owner/Operator violators have handled, stored, treated, transported and/or disposed of solid and hazardous wastes at, and adjacent to, the Polluting Site in a manner which caused those wastes to pollute the air, soil and groundwater at and beneath the Polluting Site, and migrated to the Subject Site, and thus cause an imminent and

1 substantial endangerment to health and/or the environment.

2 Complainant is informed and believes and on that basis alleges that  
3 Owner/Operator violators are liable for their company's, predecessors' and/or  
4 subsidiaries' liabilities by means of one or all of the following legal mechanisms: (1)  
5 by name change; (2) by statutory merger; (3) by *de facto* merger; (4) by express and/or  
6 implied assumption of liability; (5) by alter ego liability; (6) by controlling the day to  
7 day decision making processes of a subsidiary or sister entity; and/or, (7) by  
8 fraudulently entering transactions to specifically avoid a subsidiary or sister entities'  
9 liabilities.

#### 10 IV.

#### 11 PERSON OR PERSONS RESPONSIBLE FOR THE 12 ALLEGED VIOLATIONS OF RCRA

13 Complainant is informed and believes and on that basis alleges that the parties  
14 responsible for the RCRA violations alleged hereinabove include, but are not limited  
15 to, each of the persons named above. Such responsibility is joint and several.

#### 16 V.

#### 17 DATE OR DATES OF THE ALLEGED VIOLATIONS OF RCRA

18 Complainant is informed and believes and on that basis alleges that the RCRA  
19 and other violations on and adjacent to the Site, as alleged hereinabove, began  
20 sometime after 1950 and continue at this time because the violations have not been  
21 abated. Furthermore, certain Owners/Operators were responsible for installing  
22 subsurface utilities and/or dry cleaning equipment at the Polluting Site that were later  
23 used by others to release the Pollutants at the Site. Therefore, such original  
24 Owner/Operators are further responsible for the continued release of Pollutants by  
25 other Owner/Operators in the event the use of their utilities and/or equipment  
26 continued to contribute to releases of Pollution at the Polluting Site. Such  
27 Owners/Operators therefore are jointly and severally liable for each subsequent period  
28 of ownership and/or period of operation.

The following persons did business and operated at the Polluting Site during the following approximate violation periods:

TABLE OF ALLEGED RCRA VIOLATION DATES	
Operator Name	Ownership Period
Montgomery Cleaners, dba Montgomery Cleaners & Pressers and Montgomery C H, Robert B. Jasso and Viola Jasso	1950 to 2008
Owner Name	Ownership Period
Montgomery Cleaners, Lillian A. Clark and Doris L. Rich	1950 to 1978
John W. Rich	1978 to 1983
Felipe P. Rendon and Asuncion A. Rendon	1983 to 2000
Rendon Properties, LLC	2000 to present

**VI.**  
**NAME, ADDRESSES AND TELEPHONE NUMBER**  
**OF PERSON GIVING NOTICE**

This Notice is sent on behalf of the Complainant listed on Page 2. All communications are to be directed to:

Thomas J. Bois, Esq.  
James C. Macdonald, Es.  
BOIS & MACDONALD  
2030 Main Street, Suite 660  
Irvine, California 92614-8540  
Telephone: 949-660-0011; Facsimile: 949-660-0022

///

///

///

///

VII.

CLAIMS RESOLUTION

ANY REGULATORY AGENCY SEEKING TO COMPEL THE ALLEGED VIOLATORS' COMPLIANCE ARE DIRECTED TO DO SO AND PROVIDE NOTIFICATION TO COMPLAINANT WITHIN NINETY (90) DAYS. ANY PERSON OR ENTITY ALLEGED TO BE A VIOLATOR RESPONDENT SEEKING TO COMPROMISE THIS CLAIM BY WRITTEN AGREEMENT AND AVOID FURTHER SUIT AND THE INCURRENCE OF ATTORNEYS' FEES AND EXPERT FEES IS DIRECTED TO DO SO AND PROVIDE NOTIFICATION TO COMPLAINANT WITHIN NINETY (90) DAYS. IF NO SUCH NOTIFICATION(S) IS RECEIVED, COMPLAINANT WILL INITIATE A CIVIL ACTION UNDER 42. U.S.C. §9601, 6972(a)(1)(B), ET SEQ. AGAINST SAID ENTITIES AND/OR INDIVIDUALS.

Dated: APRIL 1, 2015

BOIS & MACDONALD

By: 

Thomas J. Bois  
James C. Macdonald  
Attorneys for Plaintiff  
JIM 72 PROPERTIES, LLC

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

## 6

8  
9  
0

- 1
- 2
- 3

## 4

5  
6  
7  
8  
9

0

2

4  
5

*Service List*

***JIM 72 PROPERTIES, LLC a California limited liability corporation v.  
Montgomery Cleaners, et al.***

**Robert Jasso on behalf of  
Montgomery Cleaners, dba Montgomery  
Cleaners & Pressers and Montgomery C H**  
1617 Bay View Ave  
Wilmington, CA 90744-1305

**Robert Jasso**  
1617 BAY VIEW AVE  
WILMINGTON, CA 90744-1305

**Viola Jasso**  
1617 BAY VIEW AVE  
WILMINGTON, CA 90744-1305

**Doris L. Rich**  
20423 Miraleste Dr.  
Rancho Palos Verdes, CA 90275

**John W. Rich**  
20 Outrider Road  
Rolling Hills, CA. 90274

**John W. Rich**  
78562 Talking Rock Turn  
La Quinta, CA 92253

**Felipe P. Rendon**  
1206 North Marine Avenue  
Wilmington, CA 90744-3129

**Felipe P. Rendon**  
**Agent of Service for**  
**Rendon Properties, LLC**  
1206 North Marine Avenue  
Wilmington, CA 90744-3129

**Felipe P. Rendon**  
1365 North Avalon Boulevard  
Wilmington, CA 90744

**Felipe P. Rendon**  
Agent of Service for  
Rendon Properties, LLC  
1365 North Avalon Boulevard  
Wilmington, CA 90744

**U.S. Environmental Protection Agency –  
Department of Justice:**  
Jared Blumenfeld  
Regional Administrator  
U.S. Environmental Protection Agency -  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

**U.S. Environmental Protection Agency:**  
Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency -  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

**United States Department of Justice:**  
Eric H. Holder, Jr.  
United States Attorney General  
DEPARTMENT OF JUSTICE  
10th & Constitution, N.W.  
Washington, D.C. 20530

**Regional Water Quality Control Board –  
Los Angeles Region:**  
Arthur Heath, Section Head - Remediation  
Regional Water Quality Control Board  
Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

**Regional Water Quality Control Board –  
Los Angeles Region:**

Tracy Egoscue, Executive Officer  
Regional Water Quality Control Board  
Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

**California Department of Toxic  
Substances Control:**

Barbara A. Lee  
Director-California Department of Toxic  
Substances Control  
400 "P" Street, 4th Floor - P.O. Box 806  
Sacramento, CA 95812-0806